

Mr. ISSA. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

EXTENDING TEMPORARY EMERGENCY SCHEDULING OF FENTANYL ANALOGUES ACT

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to amend the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act to extend until September 2021, a temporary order for fentanyl-related substances, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Extending Temporary Emergency Scheduling of Fentanyl Analogues Act”.

SEC. 2. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116-114), section 2 of such Act (Public Law 116-114) is amended by striking “May 6, 2021” and inserting “October 22, 2021”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Washington (Mrs. RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to seek support for the Extending Temporary Emergency Scheduling of Fentanyl Analogues Act.

As we continue to combat the COVID-19 pandemic, we are also facing a tragic, growing trend of overdose deaths across this country.

We have lost nearly 1 million Americans since the beginning of the Nation's drug epidemic. These Americans are sons, daughters, mothers, fathers, neighbors, coworkers, and members of our communities. Now, data tells us that the COVID-19 pandemic, increased isolation, and related economic hardships over the past year may be hampering efforts to turn the tide.

Last week, Madam Speaker, the Centers for Disease Control and Prevention released its most recent data finding that, from August 2019 to August 2020, there were 88,000 overdose deaths reported. That is the highest ever recorded in a 12-month period.

This most recent data represents a worsening crisis driven primarily by synthetic opioids, such as illicitly manufactured fentanyl. This drug is 50 times more potent than heroin and 100 times more potent than morphine. Although fentanyl itself is often used for medical purposes, use of illicitly manufactured fentanyl has increased in recent years, including co-use with cocaine and methamphetamines. As little as 2 milligrams can cause a lethal overdose.

Congress has recognized this unprecedented threat and acted in strong bipartisan fashion to combat it with resources to communities around the country. We passed major pieces of legislation like the Comprehensive Addiction and Recovery Act, the 21st Century Cures Act, and the SUPPORT for Patients and Communities Act.

At the end of last year, in the final omnibus bill, we included over \$4 billion to increase mental health and substance use services and support. Recognizing the worsening trends early this year, we passed the American Rescue Plan last month that provided an additional \$4 billion in resources. This critical funding will be used to enhance mental health and substance use disorder services supported by the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, and the Indian Health Service.

Madam Speaker, while this critical assistance is on the way, unfortunately, due to the disturbing rates of overdose and substance use, more work is clearly needed. The Biden administration is asking Congress to extend a temporary tool we provided last Congress so that agency experts can come together to examine the facts and come up with an effective, long-term solution. That tool is the authority to temporarily classify fentanyl-related sub-

stances as schedule I substances under the Controlled Substances Act.

Ensuring fentanyl-related substances remain scheduled will maintain an important deterrent to traffickers, manufacturers, and those distributing this substance.

During an Energy and Commerce Committee hearing last week, the White House Office of National Drug Control Policy's Acting Director Regina LaBelle testified on the importance of this extension. Acting Director LaBelle highlighted ongoing discussions with the Department of Health and Human Services, the Department of Justice, and the Drug Enforcement Administration. She testified that an extension of this temporary authority would allow executive branch agencies time to convene and present a long-term solution to this ever-changing drug environment that balances the risk of illicit fentanyl with the need to ensure appropriate enforcement.

The Biden administration is taking this drug epidemic seriously and has delivered a thoughtful, thorough set of drug policy priorities. I ask my colleagues to join me in giving these agency experts time to produce a thoughtful, thorough solution to this scourge of overdose deaths.

Madam Speaker, I urge my colleagues to support this measure, and I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I yield myself such time as I may consume.

I am disappointed that we are kicking the can down the road on a short-term extension of DEA's emergency scheduling order to keep dangerous fentanyl analogues in schedule I.

While I will vote in favor of this bill today because allowing this lifesaving order to expire is unacceptable, this short-term extension from the Democratic majority fails to meet the gravity of the situation facing our communities, our border, and our country.

They have had 2 years to come to the table and work with us on a permanent solution to combat fentanyl and fentanyl analogues and the dangers that they pose to Americans. If we don't act, these dangerous drugs being smuggled across our southern border would effectively become street legal.

We need a permanent solution to save the lives of people in despair and to protect our communities, and we need Democrats in the House and the Senate to wake up and take it seriously. Nearly all States are seeing a spike in synthetic opioid deaths, with 10 Western States reporting a more than 98 percent increase. This pandemic has made it worse.

In my home State of Washington, the fentanyl positivity rate has increased 236 percent, more than any other State in the country. My community lost two teenagers recently from a suspected fentanyl-related death. They had their whole lives in front of them.

Just a few milligrams of fentanyl, what can fit on the ear of Abraham

Lincoln on our penny—that is a pretty small amount—is lethal.

Fentanyl analogues are oftentimes more potent, and more than a thousand of them have been created over the years to mimic fentanyl's opioid effects and outsmart the law.

With class-wide scheduling, any dangerous variant of fentanyl is controlled under schedule I. According to the DEA, right now, there are 27 new fentanyl-related substances that have been encountered and immediately controlled under the class-wide scheduling order. All of those substances are many times more potent than heroin and pose serious health and safety risks. One recently encountered substance was approximately eight times more potent than fentanyl.

In addition to the ongoing, unprecedented humanitarian crisis at the border, fentanyl and other dangerous opioids are also pouring across our border at an ever-increasing rate. The Border Patrol just reported a 233 percent increase in fentanyl seizures at the southern border just in the last year.

If the class-wide scheduling of fentanyl-related substances is allowed to expire, drug traffickers will be further emboldened to smuggle this poison into our communities.

The Trump administration also worked hard to make the Chinese Communist Party accountable for the fentanyl analogues that were being manufactured in China, forcing them to crack down on it. If we let this expire and do not make it permanent, we will be sending a clear message to the CCP that it is okay for them to ease up and let this illicit industry continue to grow.

Moving forward, we must work with the DEA and other agencies to make this scheduling permanent, just like Mr. LATTA's FIGHT Fentanyl Act, while making reforms to improve scientific research on these substances.

I am glad that the majority is agreeing with us that we cannot let this expire. I am gravely disappointed that it is only a few months. This extension will buy us far less time than the 1-year extension Republican leader JIM JORDAN and I put forward and the 7-month extension that was requested by the Biden administration.

If this 5-month extension is signed into law, I call on Democrats and Republicans to begin working immediately on a longer term solution. We stand ready to immediately begin the bipartisan work necessary to get a permanent fix signed into law. I am committed to working over the next 5 months to solve this issue once and for all and not just settle on a short-term extension.

Madam Speaker, I urge a "yes" vote on this temporary extension, and I reserve the balance of my time.

□ 1515

Mr. PALLONE. Madam Speaker, I yield such time as he may consume to the gentleman from New Hampshire

(Mr. PAPPAS), the sponsor of this legislation.

Mr. PAPPAS. Madam Speaker, I thank Chairman PALLONE for yielding.

Madam Speaker, I rise today and urge the swift passage of H.R. 2630. This legislation will save American lives by getting deadly chemical fentanyl analogues off our streets and allowing law enforcement to swiftly bring drug traffickers to justice.

The CDC reports that there were more than 50,000 deaths involving synthetic opioids in the 12-month period ending in July 2020—50,000 deaths in 12 months.

The addiction crisis has worsened as a result of this pandemic, and this is not the time to let regulations lapse or to back away from our commitment to get people the help that they need.

My State of New Hampshire, like so many, has been hit incredibly hard by fentanyl and its chemical analogues. Chemical versions of fentanyl are ever-changing, and we know that traffickers intentionally make small variations in substances, knowing that the scheduling process may take months in order to place these deadly drugs on schedule I where they belong. This means that traffickers are often one step ahead of law enforcement.

Madam Speaker, this legislation helps prevent that by ensuring all fentanyl analogues are categorized as schedule I.

The DEA first issued a temporary order in February of 2018, and Congress wisely passed legislation extending that order through May 6.

Madam Speaker, my legislation, the Extending Temporary Emergency Scheduling of Fentanyl Analogues Act, would extend that order and, again, ensure that constantly changing chemical versions of fentanyl, often smuggled in from Mexico and China, are labeled as schedule I.

The bill would prevent our communities from being flooded with synthetic opioids and will ensure that those trafficking them will be held accountable without delay.

People are in a fight for their lives right now. Our country continues to be ravished by addiction. To let down our guard at this moment would cause unmistakable harm to our families and our communities.

I am hopeful that we will see swift bipartisan action in Congress to grant this extension.

Madam Speaker, I urge passage of this bill.

Mrs. RODGERS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. GUTHRIE), the lead Republican on the Health Subcommittee.

Mr. GUTHRIE. Madam Speaker, I rise today very concerned about the deadly threat of fentanyl and fentanyl analogues.

Last week, the Committee on Energy and Commerce held a hearing on this exact issue.

Here are the facts: More than 88,000 overdose deaths were reported by the

CDC in a 12-month period ending in August of 2020. This is a record for the highest number of overdose deaths ever recorded in a year.

In 2018, synthetic opioids, which includes these dangerous fentanyl analogues, were involved in 744 deaths in just Kentucky. I learned from a substance use healthcare provider in my district that almost all their patients have some sort of fentanyl in their system. Many of the patients are not aware of it themselves. Just last month a 2-year-old in Kentucky died from exposure to fentanyl; therefore, I support a permanent solution of scheduling fentanyl analogues.

Last week, some of my colleagues—and we had witnesses—tried to argue that a long-term solution for banning fentanyl is a social justice issue. In fact, one witness shared, "it is being argued that fentanyl class scheduling is suddenly unnecessary because of the low number of prosecutions to date—eight. However, eight mandatory minimum sentences in 3 years, four of them being members of a cartel, proves that prosecutors are not going after low-level users.

The witness also argued that this scheduling of fentanyl analogues—the decrease of new fentanyl analogues coming to this country was 90 percent.

If someone is being unjustly prosecuted for fentanyl analogues, then that should be addressed.

However, not scheduling fentanyl analogues, when we had a witness testify it drops 90 percent being imported, would be deadly for Americans since fentanyl and its analogues are responsible for thousands of deaths each year.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Tampa, Florida, (Mr. BILIRAKIS), a leader on the Committee on Energy and Commerce.

Mr. BILIRAKIS. Madam Speaker, I thank the chairwoman for yielding.

Madam Speaker, the United States remains in the grip of an overdose pandemic, unfortunately. I rise today in support of the Extending Temporary Emergency Scheduling of Fentanyl Analogues Act.

Madam Speaker, 3 years ago, DEA temporarily scheduled fentanyl analogues as controlled substances to crack down on China and drug traffickers smuggling fentanyl across the southern border. Last year, Congress passed the temporary extension that continued to criminalize fentanyl analogues until May 6 of this year.

Previously, drug traffickers could slightly change the molecules in the drug, so the formula was not technically considered fentanyl and was not prohibited, although it was still potent, leading to a lethal game of whack-a-mole.

Madam Speaker, locally, we have seen that fentanyl has been a major problem, even with the scheduling in place. Pasco County, in my district,

has already had 48 people die from overdoses since January of this year, and many communities throughout the country are experiencing the same overdose increases as the pandemic has only exacerbated the mental health and addiction crisis in our country.

Madam Speaker, if this scheduling ban expires, we expect far more fentanyl to flood our streets and many more lives to be tragically lost. We cannot allow this to happen.

I urge my colleagues to join us in extending this current ban and to work together in a bipartisan manner on a permanent solution—it must be a priority—a permanent solution to this scourge.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I thank the chairman of the Committee on Energy and Commerce for the constant diligence that he has in the landscape of healthcare and energy, consumer issues. Certainly, as a member of the Committee on the Judiciary, we are looking forward to working with this committee on a very important matter.

So I want to acknowledge the work of the Committee on Energy and Commerce and indicate that isn't it sad that we have not been able to find common ground to work on this issue. I am very concerned that what we are now doing, we probably would need more time for our committees to work together. I am concerned that we might be extending the Trump administration's temporary class-wide emergency scheduling of fentanyl, a substance that all of us vigorously opposed.

Madam Speaker, I think the chairman is well-aware of my longstanding concern on criminalizing substance abuse instead of preventing and treating it. I know that our two committees have a common perspective and agreement on that, but I have seen failed policies in my own neighborhood that have disproportionately impacted communities of color.

For instance, in the 1980s, Congress adopted harsh mandatory minimum sentences for crack cocaine offenses and putting many in unjust and lengthy terms of imprisonment.

Madam Speaker, I simply want to indicate an acknowledgment of fentanyl and its impact that it has had, and I want to acknowledge the importance of us working together. But I also want to put on the record my concern with the DEA's temporary order that would group all fentanyl-related substances under a class-wide ban.

You see, what I know we can document is that the recipient, the taker, gets the short end of the criminal justice stick, and with that, I have concerns. But as we take more time to do this, I want to make sure the traffickers, the cartels, the gangs, are put in the eye of the storm where they belong.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. Madam Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, just to put on the record that the data shows that there are already significant racial disparities in some of the Federal cases and mandatory minimum sentences involving fentanyl analogues.

I don't want to put words in the mouth of my chairman, Chairman PALLONE, but I have heard him speak to these issues, and I am grateful for it. I am grateful for his sensitivity. So I wanted to come to the floor knowing the work that has been done, but also knowing your understanding. And I wanted to just make sure that these communities that cannot speak for themselves clearly are put on the record.

I need not say that the trial that we just had with the George Floyd case and what was trying to be represented in that case, albeit was a very tiny or minute or nonexistent amount. So I want to make sure that we do this right and we get the time to do it.

Madam Speaker, I thank the gentleman for his leadership.

WASHINGTON, DC,

April 19, 2021.

President JOSEPH R. BIDEN, Jr.,

The White House,
Washington, DC.

DEAR PRESIDENT BIDEN: We write to express our serious concerns with class-wide scheduling of fentanyl-related substances, joining with our colleagues Senators Booker, Hirono, Markey, Warren and Whitehouse, who wrote to you about this issue on April 14. We too commend your commitment to end mandatory minimums, to address racial disparities, and to achieve criminal justice reform. We also agree with the Administration's recognition of the pressing need to "eradicate racial, gender and economic inequities that currently exist in the criminal justice system. We look forward to working with your Domestic Policy Council and the interagency working group that has been formed to develop specific policy solutions for criminal justice reform. At the same time, we also hope to collaborate with you and your Administration to enact just and restorative policies that will meaningfully transform our nation's response to substance use disorders through the lens of public health and racial equity.

We agree with our Senate colleagues that fentanyl use is a serious concern. Combating substance use, including the illicit use of fentanyl, is a top priority for all of us. However, we ask that you reject the last Administration's misguided approach to the opioid epidemic, especially regarding class-wide scheduling of fentanyl analogues.

As an initial matter, federal prosecutors may already pursue charges concerning harmful fentanyl analogues, with or without class-wide scheduling. In addition, classifying all fentanyl analogues as Schedule I substances is unnecessary for federal prosecutions of these cases. Independent from any temporary scheduling order for certain substances, the federal government has the authority to prosecute anyone who possesses, imports, distributes, or manufactures any unscheduled fentanyl analogue with a high potential for abuse, no medical value, and the ability to cause overdose deaths. In addition, the Department of Justice can con-

tinue to prosecute any case involving the illicit manufacturing or distribution of any fentanyl-related substances under a separate statutory scheme established by the Federal Analogue Act. The DEA can also continue to use its existing authority to schedule specific fentanyl-related substances as Controlled Substances under the well-established interagency process.

However, under the Trump Administration, the Drug Enforcement Administration used its emergency scheduling authority to place certain fentanyl analogues onto Schedule I of the Controlled Substances Act. The Temporary Scheduling Order ("the Order") scheduled a general "class" of "fentanyl-related substances." In doing so, the Trump Administration expanded the application of mandatory minimum penalties to a broader range of federal cases, while also creating additional barriers to medical research. The Order also circumvented the standard procedures for the scheduling of substances under the Controlled Substances Act, preventing input from the Department of Health and Human Services and other relevant interagency experts.

The Trump Administration's Order also widened the net as far as the application of mandatory minimum penalties. As you know, people of color have been disproportionately subject to mandatory minimum sentences, preventing judges from being allowed to apply penalties that fit the facts and circumstances of each case. Continuation of this Order will further perpetuate current racial disparities that exist throughout the criminal justice system. According to the most recent statistics from the U.S. Sentencing Commission, there are significant racial disparities in the prosecution of fentanyl cases, with people of color comprising almost 75% of those sentenced in 2019. This also holds true for federal convictions in cases involving fentanyl analogues, for which 68% of those sentenced were people of color. To keep this approach in place—even temporarily—will further exacerbate existing racial disparities.

In addition, mandatory minimum penalties continue to disproportionately impact individuals with a minor role in the offense. In 2019, more than half of all federal fentanyl-analogue prosecutions involved a street-level seller or other minor role. During this challenging time, our most vulnerable communities, especially communities of color, have been disproportionately impacted by the COVID-19 pandemic. Moving forward, we must not exacerbate these health and justice inequities. We need to reject approaches that expand criminal penalties, rather than prioritize evidence-based approaches to this public health crisis.

Moreover, we need to work to reduce barriers to research in order to expand opportunities to identify antidotes to fentanyl-analogue overdoses and to improve treatment options. By extending the Order, critical medical research will continue to be limited during a time when the country is facing even greater concerns regarding the opioid crisis and the rising number of overdoses. For these reasons, we urge you to discard this misguided approach.

Drug addiction is a serious problem in communities across the country, and we are profoundly concerned about fentanyl-related deaths. The current pandemic has furthered worsened the tragic impact of overdoses as so many Americans continue to struggle through this isolating and stressful crisis. We must learn from the lessons of the past as we prioritize evidence-based, public health approaches and pursue better and more just means to address this problem, rather than

the class-wide scheduling of fentanyl analogues.

Sincerely,

Jerrold Nadler, Henry C. "Hank" Johnson, Jr., Hakeem Jeffries, Ted Lieu, Val B. Demings, Sheila Jackson Lee, Theodore E. Deutch, David N. Cicilline, Pramila Jayapal, Mondaire Jones, Deborah K. Ross, Tony Cardenas, Yvette D. Clark, Cori Bush, and Bobby L. Rush, Members of Congress.

Mrs. RODGERS of Washington. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. CARTER), the only pharmacist on our committee, and a leader on this issue.

Mr. CARTER of Georgia. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I am here today to ask my colleagues across the aisle to set aside this weak bill and support permanently—permanently as in forever—scheduling fentanyl and its analogues.

We just heard from the gentlewoman from Texas. We all agree: It is not good. Fentanyl is the problem.

Here, we have an opportunity for us to work together to help stem the flow of deadly fentanyl and its analogues in our country. This is an issue that impacts every one of us—every one of us. Whether we are Republican, Democrat, Independent, it impacts every one of us in our communities.

Just last week, in my home State of Georgia, the Georgia Attorney General announced that he is investigating fatal drug overdoses based on counterfeit medications laced with fentanyl and its analogues. These individuals bought illegal products they believed to be Xanax, Percocet, and oxycodone.

Overdoses like this happen every day all over the country—all over the country. Yet, some of my colleagues want to go soft on fentanyl analogues and let these products become legal in just mere weeks, or temporarily schedule it for a few months until they can craft another weak plan.

How can anyone seriously argue that a drug 50 times more potent than heroin and which almost always proves fatal when ingested, should ever be legal?

These products are manufactured illegally, and they are largely brought into the U.S. through the southern border. Every year, U.S. agents intercept enough fentanyl and its analogues to kill every single American several times over. In fact, Customs and Border Patrol announced in 2019, they had enough seized fentanyl to kill 800 million people. And that is what they had seized; we don't know what else came across.

I visited the border last week to see the crisis firsthand. Border patrol agents are so overwhelmed with a 20-year record high number of illegal immigrants that smugglers and cartels are using this as an opportunity to traffic more fentanyl substances.

If the President and Vice President would visit the border, they would be able to talk to the agents firsthand and see for themselves how serious the issue is.

Instead, they have elected to leave our border wide open. We are inviting drug traffickers to bring fentanyl substances into the country and distribute it in our streets. This should not be a partisan issue. Fentanyl does not discriminate. It does not.

The individuals manufacturing and distributing fentanyl and its analogues are criminals, and they are getting our neighbors killed. This is not an issue that is going away. It is only getting worse. The CDC reports that there were enough overdoses last year than any single year before.

This is the time for us to crack down on fentanyl-related substances, and I hope that we will do that.

□ 1530

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I yield 2 minutes to the gentlemen from Pennsylvania (Mr. JOYCE), a great member and leader on the committee.

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today in strong support of H.R. 2630, to extend the temporary emergency scheduling of fentanyl analogues.

In the rural Pennsylvania communities that I represent, the fentanyl crisis is anything but temporary. Every day, we experience the ramifications of the opioid epidemic, which has only been exacerbated by the COVID-19 pandemic.

As the Franklin County coroner, Jeff Connor, told me just this week, "Fentanyl is easy to get and fast to kill."

This is true across our entire Commonwealth. In my home of Blair County, we suffered an 80 percent increase in overdose deaths in 2020. As I have heard directly from our county coroner, Patty Ross, there is no question that the widespread availability of illicit fentanyl is a substantial factor in our region's drug epidemic.

Fentanyl already poses a deadly threat to our communities. If we don't act to extend the fentanyl import ban before it expires next month, we will invite massive vulnerabilities in our shared fight against the opioid crisis. In Pennsylvania and around the country, we need more accountability for those who bring illicit fentanyl into our communities.

H.R. 2630 is lifesaving legislation that will give law enforcement and the justice system the tools that they need to keep this dangerous illicit drug off of our streets. This temporary fix needs to be the bridge to a permanent solution to protect the American people. We do not have time to waste. By passing this bipartisan legislation, we can protect families, equip those on the front line, and prevent tragedy.

For the health and safety of our communities, I urge a "yes" vote.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I yield 2 minutes to

the gentleman from Wisconsin (Mr. FITZGERALD).

Mr. FITZGERALD. Madam Speaker, I rise today to express my disappointment with H.R. 2630.

What is happening down at our southern border is actually a crisis, and it is multiplying a crisis that has plagued this country for many years, and that is the opioid epidemic.

Customs and Border Patrol agents have seized more than 4,900 pounds of fentanyl during the first 5 months of fiscal year 2021, already surpassing the total from last year.

Mexican cartels are increasingly responsible for producing the supply of fentanyl into the U.S. market. China, we forget about China. China remains a key source of supply for the chemicals that the Mexican cartels are using to produce the fentanyl; all of this being smuggled into the U.S. through our western States.

Madam Speaker, I introduced, along with Senator JOHNSON, the SOFA Act to permanently designate fentanyl as a schedule I drug, closing a loophole in current law that makes it difficult to prosecute crimes involving some synthetic opioids.

The GAO report released last week on class-wide scheduling of fentanyl-related substances found fewer law enforcement encounters with fentanyl, and reduced incentives for cartels to circumvent the law through new and existing fentanyl substances.

While I plan to support this bill—I think everybody will—a 5-month extension is not nearly long enough. I urge Democrats to come back to the table to find a solution that will permanently keep fentanyl as a schedule I drug.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. VAN DUYNE).

Ms. VAN DUYNE. Madam Speaker, this issue should already have been taken care of.

Last week, my Republican colleagues and I offered an amendment to extend this ban until at least 2022, but it was blocked, only to see Democrats draft this much weaker bill. It is another game and example of why Americans are fed up with Congress.

When House Democrats rejected the Republican-led amendment banning fentanyl last week, they knew that fentanyl causes a massive blight in our communities across the country. They knew that tens of thousands are left dead from overdoses every year, but refused to support it because of the names on the bill. And now they want to extend the ban of this highly addictive, highly dangerous, deadly drug by only 5 months.

Last month, CBP agents seized 639 pounds of fentanyl, adding to the 2,098 pounds seized this year alone. That represents a 233 percent increase of drugs being smuggled across the border

this year. It is a direct result of Biden's border crisis.

Vice President Harris was appointed as the so-called immigration czar, but has spent more time in New Hampshire than at the border. And if she were to visit, she would see the toll that the influx of migrants is taking on our border. It is not just a humanitarian crisis, but it is leaving us vulnerable to increased drug smuggling that is ravaging our streets. She would hear directly from the DEA agents, just like my colleagues and I did, why it is so important to schedule fentanyl as a schedule I drug permanently, not just for 5 months.

A 5-month extension is not long enough. Let's just stop playing politics. There is no excuse why we are not working toward a permanent ban.

Mr. PALLONE. Madam Speaker, I have no further speakers, and I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I would urge support for this bipartisan bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2630, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act to extend until October 2021, a temporary order for fentanyl-related substances."

A motion to reconsider was laid on the table.

NATIONAL ORIGIN-BASED ANTI-DISCRIMINATION FOR NON-IMMIGRANTS ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the motion to recommit on the bill (H.R. 1333) to transfer and limit Executive Branch authority to suspend or restrict the entry of a class of aliens, offered by the gentleman from Ohio (Mr. WENSTRUP), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 208, nays 216, not voting 5, as follows:

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Billirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Bull
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fortenberry
Foxy
Franklin, C.
Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gimenez
Gohmert
Gonzales, Tony

[Roll No. 126]

YEAS—208

Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaull
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar

NAYS—216

Cárdenas
Carson
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Brown
Brownley
Bush
Bustos
Butterfield
Cabajal

Golden
Gomez
Gonzalez,
Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahale
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch

Clarke (NY)
Clyde

Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan

NOT VOTING—5

Gibbs
LaMalfa
Smith (NE)

□ 1615

Mr. SMITH of Washington, Ms. CHU, Mmes. TORRES of California and HAYES, Mr. LARSON of Connecticut, Ms. SPANBERGER, Mr. BROWN, Ms. BOURDEAUX, Mr. PERLMUTTER, Ms. BROWNLEY, Mr. PANETTA, and Ms. BLUNT ROCHESTER changed their vote from "yea" to "nay."

Ms. CHENEY and Mr. POSEY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. CLARKE of New York. Madam Speaker, had I been present, I would have voted "nay" on rollcall No. 126.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Allred (Wexton)
Barragán (Beyer)
Cárdenas
(Gallego)
Costa (Correa)
Crenshaw
(Fallon)
Donalds
(Cammack)
Gonzalez (OH)
(Timmons)
Gosar (Greene)
(GA)
Grijalva (García)
(IL)

Khanna (Gomez)
Kirkpatrick
(Stanton)
Langevin
(Lynch)
Lawson (FL)
(Evans)
Leger Fernandez
(Jacobs (CA))
Lieu (Beyer)
Lowenthal
(Beyer)
Meng (Clark)
(MA))

Mfume
(Connolly)
Moulton
(Perlmutter)
Napolitano
(Correa)
Omar (Bush)
Payne (Pallone)
Porter (Wexton)
Rush
(Underwood)
Sewell (DelBene)
Speier (Scanlon)